



An
Bord
Pleanála

Board Order
ABP-314240-22

Planning and Development Acts 2000 to 2021

Planning Authority: Galway County Council

Planning Register Reference Number: 22/311

Appeal by Michael Gardner of Northgate Street, Athenry, County Galway against the decision made on the 4th day of July, 2022 by Galway County Council to grant subject to conditions a permission to Boyle Sports care of John Madden and Associates of Blackhall Street, Mullingar, County Westmeath in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use from shop unit to bookmakers on the ground floor. Permission is also sought for alterations to all windows on the front elevation and all associated site works and for signage as indicated on drawings, all at development formerly known as Fahys Centra, North Gate Street, Athenry, County Galway.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the location of the site within the town centre of Athenry on a site zoned Town Centre C1, it is considered that, subject to compliance with the conditions set out below, the proposed use as a bookmakers would not result in an excessive concentration of such uses in the area, would not impact negatively on the vitality and viability of the town centre, would not have an adverse impact on the residential or other amenities of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received on the 8th day of June, 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed shopfront shall be in accordance with the following requirements:
- (a) Signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering.
 - (b) Lighting shall be by means of concealed neon tubing or by rear illumination.
 - (c) No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission.
 - (d) External roller shutter shall not be erected. Any internal shutter shall be only of the perforated type, coloured to match the shopfront colour.
 - (e) No adhesive material shall be affixed to the windows or the shopfront.

Reason: In the interest of visual amenity.

3. Prior to commencement of development, the developer shall submit and obtain the written agreement of the planning authority to, a plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

4. Prior to commencement of development, the developer shall submit and obtain the written agreement of the planning authority to a plan regarding hours of operation of the business.

Reason: In the interest of residential amenities of property in the vicinity.

5. The developer shall facilitate the protection of archaeological materials or features which may exist within the site. In this regard, the developer shall employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works and provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the planning authority considers appropriate to remove.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

6. Site development and building works shall be carried out only between the 0800 to 1900 hours Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Martina Hennessy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 1st day of November 2023